



News Updates: July 16, 2014

**OPPI- Patents/ Compulsory licensing/ Intellectual Property Rights**

**Publication: Business World**

**Edition: Online**

**Date: July 16, 2014**

**Headline: [Nexavar: HC Rules In Favour Of Natco Pharma](#)**

**Synopsis:** The Bombay High Court on Tuesday (15 July) refused to interfere with the order passed by an appellate board allowing drug maker Natco Pharma to manufacture and sell a generic copy of a patent-protected cancer drug made by German drug maker Bayer AG. The court was hearing a plea filed by Bayer challenging a March 2013 order passed by the Intellectual Property Appellate Board (IPAB) permitting Hyderabad-based Natco Pharma to manufacture and sell a generic copy of the patented drug Nexavar. “We don’t see a reason to interfere with the order passed by IPAB and, therefore, the case is dismissed,” said justice M.S. Sanklecha. While patient groups call the move the result of their persistent demand for low-cost generic alternatives to patent-protected drugs, the Organisation of Pharmaceutical Producers of India (OPPI) fears it may affect the introduction of new medicines in the country. **OPPI director general Tapan Ray had said last year that such a move may “signal immense unpredictability in the environment of bringing new life-saving drugs to India”.** He adds, “Grant of compulsory licence for Nexavar to Natco by the Indian Patent Office last year had already raised serious concerns across the world on the robustness of the IPR (intellectual property rights) ecosystem in India. Recent news reports on the same issue will vindicate the concerns.”

**Publication: Mint**

**Edition: National**

**Date: July 16, 2014**

**Headline: [Bombay HC upholds IPAB order on Nexavar’s generic copy](#)**

**Synopsis:** The Bombay high court on Tuesday dismissed a challenge by Bayer AG against a decision to allow drug maker Natco Pharma Ltd to manufacture and sell a generic copy of a patent-protected cancer drug made by the German company. “We don’t see a reason to interfere with the order passed by IPAB and, therefore, the case is dismissed,” said justice M.S. Sanklecha. The court was hearing a plea filed by Bayer challenging a March 2013 order passed by the Intellectual Property Appellate Board (IPAB) permitting Hyderabad-based Natco Pharma to manufacture and sell a generic copy of the patented drug Nexavar.

**Similar reports in-**

**The Economic Times- [HC rules against Bayer in Nexavar license case \(link unavailable, scan attached\)](#)**

**Business Standard- [HC upholds Natco's plea on cancer drug Nexavar](#)**

**The Hindu Business Line- [Bayer to defend IP rights on kidney cancer drug Nexavar](#)**

**The Times of India- [HC rejects Bayer plea on drug patent](#)**

**The Financial Express- [High Court rules in favour of Natco Pharma on Nexavar](#)**

**Moneycontrol- [Natco gets relief from Bombay HC; IPAB order upheld](#)**

**OPPI/ NPPA issue**

**Publication: Business Today**

**Edition: Online**

**Date: July 15, 2014**

**Headline: [Pharma firm Sanofi opposes drug price control order](#)**

**Synopsis:** The move of the National Pharmaceutical Pricing Authority, country's drug price regulator, to

control the price of commonly used diabetes and heart diseases drugs in a bid to improve affordability has dismayed the pharma industry. "By issuing a price control order under Para 19 without any consultation with the industry bodies, the NPPA has shocked and disappointed the pharma industry. This order brings 120 anti-diabetic formulation packs and 247 cardiovascular formulation packs under price control. This is in addition to the National List of Essential Medicines (NLEM) listed in Schedule I of Drug Price Control Order 2013, which are already under price control," said Shailesh Ayyangar, Managing Director India and Vice-President (South Asia), Sanofi India Limited, one of the companies likely to be affected by this move. **In his capacity as the President of the Organisation of Pharmaceutical Producers of India (OPPI), Ayyangar had earlier issued another statement, in which he said, "We were assured that there would be no price volatility and that the government will work in close consultation with industry. However the NPPA's arbitrary and unilateral action runs contrary to all these sentiments. It has shocked the industry and will be detrimental to the investment climate for market expansion, brand building and employment generation."**

**Publication: Business Standard**

**Edition: National**

**Date: July 16, 2014**

**Headline: [Pharma dept seeks view of law ministry on pricing cuts](#) (scan attached as well)**

**Synopsis:** The department of pharmaceuticals (DoP) is learnt to have sought the law ministry's opinion on the latest price cuts implemented by the National Pharmaceutical Pricing Authority (NPPA), using a rare provision in favour of public interest. "We do not find that such extraordinary circumstances have risen since the promulgation of the DPCO 2013 to warrant their use," Indian Pharmaceutical Alliance, which represents domestic drug majors such as Lupin, Sun Pharma and others, wrote in its letter addressed to DoP Secretary Aradhana Johri. Sources said top representatives from other pharma industry organisations such as **Organisation of Pharmaceutical Producers of India**, which represents multinational drug makers in the country, also met senior officials in the department on Tuesday.

**Publication: The Hindustan Times**

**Edition: National**

**Date: July 16, 2014**

**Headline: Prices of more life-saving drugs may be cut as NPPA moves new list (link unavailable, scan attached)**

**Synopsis:** The government is likely to extend its price control move to more drugs. The National Pharmaceutical Pricing Authority, India's drug price regulator, is set to propose a new list of drugs to be added to the National List of Essential Medicines (NLEM). If accepted, the proposal would bring down the cost of these drugs by 10% to 80%. "There are about 225 medicines that are essential in nature but are left out of the ambit of NLEM that control prices of drugs," Injeti Srinivas, chairman, NPPA.

**Similar reports in-**

**The Wall Street Journal (blog)- [India's New Drug-Price Controls: Unintended Consequences?](#)**

**Pharmabiz- [NPPA issues guidelines for stoppage of scheduled formulations under para 21\(2\) of DPCO, 2013](#)**

**NDTV- [Drug Price Cap to Impact MNC Pharma Firms: Prabhudas Lilladher](#)**

**Publication: Business Standard**

**Edition: Online**

**Date: July 15, 2014**

**Headline: [Pharma SMEs may cut down contract manufacturing of DPCO drugs](#)**

**Synopsis:** As the domestic pharma industry receives a bolt from the blue with 108 more drugs coming under price control as per the latest notification of the National Pharmaceutical Pricing Authority (NPPA), small scale manufacturers say that they are increasingly shifting their focus to nutraceuticals and exports. What is more significant is that industry insiders fear that production of these essential drugs could also come down as SMEs are unlikely to continue contract manufacturing of these medicines under severe margin squeeze. At least three small scale drug manufacturers based in Gujarat and Hyderabad said on grounds of anonymity that as

manufacturing of these drugs would not remain viable, several SMEs may cut down on contract manufacturing for big pharma and focus on developing portfolio in nutraceuticals, herbals and cosmeceutical space.

#### Modi Government/Budget/ FDI/ FII/ Union Health Ministry

**Publication: Business Standard (B2B connect)**

**Edition: Online**

**Date: July 15, 2014**

**Opinion piece: Utkarsh Palnitkar, Head of Lifesciences, Pharmaceuticals, KPMG in India**

**Headline: [Pharma sector did not receive its due attention in the budget](#)**

**Synopsis:** The issues around the pharmaceutical sector are more policy related, with tax measures forming only part of the solution. Expectations from the budget, therefore, largely revolved around laying to a rest the multiple questions related to regulations and policies in the sector (FDI policy, clinical trial issues, margin pressures arising due to the pricing policy). The industry also hoped that the budget would aim to incentivise R&D in the country, to fuel innovation and growth. Stakeholders were also looking forward to a resolution for the active pharmaceutical ingredients (APIs) industry that is presently facing immense competition for China, creating a situation where the domestic formulation sector is heavily dependent on China for APIs.

**Website: Reuters**

**Edition: Online**

**Date: July 15, 2014**

**Blog: Mukesh Agarwal leads the CRISIL research business**

**Headline: [Budget strikes the right chord on reviving investment](#)**

**Synopsis:** Patient, consistent baseline play rather than aggressive serve and volley — that about sums up the Narendra Modi-led government's maiden budget. Those expecting big bang announcements were left disappointed as Finance Minister Arun Jaitley rattled off a long list of small steps on Thursday. But the government is on the right track as it sets about the task of boosting investment and sentiment. Certainly, India has pulled itself out of the tight corner it was in a year ago and started to regain the trust of global investors. The proof — at 23 percent, the CNX Nifty's returns in the six months to the Union Budget are the best among major global equity indices.

**Publication: Business Standard**

**Edition: Online**

**Date: July 16, 2014**

**Headline: [Composite foreign investment cap proposed for most sectors](#)**

**Synopsis:** The department of industrial policy and promotion (DIPP) has prepared a draft Cabinet note proposing the limits for foreign direct and portfolio investment be merged into composite caps. The note has proposed a combined cap in most sectors where foreign direct investment (FDI) is allowed or where foreign institutional investors (FII) have a separate limit. Various government departments have been asked to comment on the note by July 23. Composite caps have been suggested for sectors like agriculture, tea plantations, petroleum and natural gas, manufacturing, airports, real estate, telecommunications, mining, non-banking financial companies and pharmaceuticals. In some sectors where only FDI and FII investments are allowed now, the department has proposed investments by non-resident Indians and foreign venture capital firms as well. These include 100 per cent foreign investment in asset reconstruction companies, 74 per cent in private banking, 20 per cent in public-sector banks and 49 per cent in power exchanges.

### Similar reports in-

The Economic Times- [DIPP proposes composite caps to streamline foreign investment regime](#)

The Financial Express- [DIPP draft note for composite caps to streamline foreign investment regime](#)

The Hindustan Times- [DIPP proposes composite caps to streamline foreign investment \(link unavailable, scan attached\)](#)

The Financial Chronicle- [Composite cap for FDI, FII on the anvil \(link unavailable, scan attached\)](#)

**Publication:** Daily News & Analysis

**Edition:** Online

**Date:** July 15, 2014

**Headline:** [Several ministries involved in drive against Japanese Encephalitis: Health Minister Harsh Vardhan](#)

**Synopsis:** With hundreds of children dying of Japanese Encephalitis and Acute Encephalitis Syndrome every year, the government has started a national level programme converging several ministries to tackle the crisis, Health Minister Harsh Vardhan told Rajya Sabha on Tuesday. Replying to a question, he said the Health ministry is the nodal ministry for the programme and various ministries, including Drinking Water Supply, Women and Child Development, Social Justice, Rural Development and Urban Development, will coordinate with it.

**Publication:** The Financial Express

**Edition:** Online

**Date:** July 16, 2014

**Headline:** [Centre forms group to ready ground for healthcare programme](#)

**Synopsis:** The Narendra Modi government has constituted a group for preparing a comprehensive background paper to implement the BJP's campaign promise of providing "accessible and affordable" universal healthcare to all. Health minister Harsh Vardhan informed Rajya Sabha on Tuesday that the government is considering to roll out a National Health Assurance Mission to reduce the "out of pocket" spending on health care by the common man.

### Similar reports in-

One India- [Group constituted to prepare background paper for NHAM: Vardhan](#)

First Post- [India wants to reduce common man's expenditure on health](#)

**Publication:** The New Indian Express

**Edition:** Online

**Date:** July 16, 2014

**Headline:** [Why Are Indians Afraid of Sex?](#)

**Synopsis:** Union Health Minister Harsh Vardhan's recent comments suggesting sex education must be banned in schools in India sparked off a huge controversy, with people, especially the youth, coming out in numbers to protest against the minister's remarks. Many of the country's youth have taken to social media to express their displeasure over the issue. In one such initiative, East India Comedy group has created a satirical video on how Government approved sex education takes place in India classrooms. The video, which displays a man taking a class on sex education without using the word sex and censoring private parts of the human anatomy, has gone viral and has received more than 2 Lakh hits on Youtube, along with generating a huge buzz on social networking platforms like Facebook and Twitter.

### Indo- US ties

**Publication:** The Economic Times

**Edition:** Online

**Date:** July 16, 2014

**Headline:** [Narendra Modi should make efforts towards healthy relations with China, Japan, US](#)

**Synopsis:** Heads of governments or the representatives of all SAARC countries attended the swearing-in ceremony of Narendra Modi as the new prime minister of India and this was much commented upon and celebrated within and outside the country. Yet, more important for the new government would be relations with three other powers: China, Japan and US, who are keenly watching the unfolding matrix of the new foreign policy. Of these, the most important from the Indian perspective should be China because of our past history of strained relations.

**Website:** Silicon India

**Edition:** Online

**Date:** July 15, 2014

**Headline:** [India, U.S. Officials Start Talks for Trade Policy Forum Meeting](#)

**Synopsis:** Seeking to boost bilateral commerce and investment, India and U.S. trade officials today met to prepare the framework for the ministerial level meeting of the Trade Policy Forum (TPF), a body which has not met since 2010. "Commerce and Industry ministry officials met counterparts from the U.S. here. They have discussed various issues related with trade and investment," a senior government official told PTI. The official said that soon Deputy United States Trade Representative (USTR) Wendy Cutler will also visit here to meet Commerce Secretary Rajeev Kher.

### General Industry

**Publication:** The Asian Age

**Edition:** National

**Date:** July 16, 2014

**Headline:** [Mumbai becoming tuberculosis capital of the world?](#)

**Synopsis:** Underlining the loopholes and developments in the public health system of the state, Praja Foundation released a report on Tuesday raising the issue of unnecessary deaths of 7,650 Mumbaikars due to tuberculosis (TB) in 2013-14. Nitai Mehta, Founder Trustee of Praja Foundation said, "With 46,606 deaths in the last six years, including 7,075 deaths last year, Mumbai may soon become the tuberculosis death capital of the world. We have world class medical expertise in Mumbai, state-of-the-art medical facilities both public and private, but we don't seem to have a leadership with zeal to control and eradicate TB."

**Similar reports in-**

The Times of India- [BMC data 'inconsistent' on TB, malaria deaths](#)

The Indian Express- [RTI reveals TB accounted for 8.1% of 87,027 deaths in city in 2013-14](#)

Daily News & Analysis- [Dengue, TB emerge as biggest threats in Mumbai](#)